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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,198

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Kenneth A. Stevens

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EXAMINER

MORRISON, THOMAS A

ART UNIT

PAPER NUMBER

3653

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/690,198

Applicant(s)

STEVENS, KENNETH A.

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: (1) "at least on sheet" in line 9 of claim 1 should be -- at least one sheet --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 depends from claim 1. Claim 1 recites "said upper edge guide further including **a finger** configured to support a lead sheet in said stack of sheets..." (emphasis added). After this, claim 2 recites "said upper edge guide includes a first finger and a second finger". It is unclear if the recited first and second fingers in claim 2 are the same or different from the previously recited "a finger" in claim 1. Further clarification is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,169,341 (Roetter et al.) in view of U.S. Patent No. 5,454,554 (Boughton et al.), and further in view of U.S. Patent No. 4,928,944 (Goliez).

Regarding claim 1, Figs. 1-7 of Roetter et al. show a high capacity sheet feeder (near 14) including a feed table (including 186 in Fig. 1) operably mounted on and above a sheet transport (including 72 and 74) having second movable belts (72 and 74), in which the Roetter et al. apparatus is configured in an operable position (Fig. 1) for feeding sheets along a first arc downward and back under the feed table (including 186 in Fig. 1) to the transport (including 72 and 74), the sheet feeder (near 14) operably mounted to the transport (including 72 and 74).

Also, Roetter et al. discloses an upper edge guide (198) having a concave arcuate surface (Fig. 1) in communication with an upper edge of at least one sheet in the stack of sheets. The upper edge guide (198) further includes a finger (tip portion of 198) configured to support a lead sheet in the stack of sheets.

However, Roetter et al. does not specifically show the sheet feeder (near 14) operably mounted to the transport (including 72 and 74) at hinge points allowing said

sheet feeder to be hinged upwardly about a second arc to a non-operable position to allow access to a sheet-transporting assembly of said transport, as claimed.

The Broughton et al. patent discloses that it is well known to operably mount a sheet feeder (including 10) to a transport (80) at hinge points (64) allowing said sheet feeder (including 10) to be hinged upwardly about a second arc (Fig. 3) to a non-operable position (Fig. 3) to allow access to a sheet-transporting assembly (including 90) of said transport (80) for the purpose of clearing document jams. See e.g., Figs. 1-3 and column 2, lines 7-10 of Broughton et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the sheet feeder (near 14) of Roetter et al. with hinge points allowing said sheet feeder (near 14) to be hinged upwardly about a second arc to a non-operable position to allow access to a sheet-transporting assembly (near 88) of said transport (including 72 and 74) of Roetter et al. for the purpose of clearing document jams, as taught by Broughton et al. Pivoting the feeder (near 14) of Roetter et al. according to the teachings of Broughton et al. will result in the axis of the first arc of Roetter et al. being generally parallel to the axis of the second arc, as claimed.

Regarding the recitations, "the feed table capable of retaining a stack of sheets loaded edgewise thereon" and "said sheet feeder capable of maintaining such stack both in said operable position and said non-operable hinged-upward position", it is the examiner's position that very short sheets can be stacked edgewise on the feed table (including 186) of Roetter et al., such that the feed table (including 186) will be capable of retaining the stack of sheets loaded edgewise thereon and capable of maintaining

such stack both in said operable position (Fig. 1) and said non-operable hinged-upward position. Roetter et al. in view of Boughton et al. satisfies all of the limitations of claim 1, except for first movable belts on the feed table, as claimed.

The Goliez patent shows that it is well known in the art to provide a feed table (24) of a sheet feeder with first movable belts (26) for the purpose of providing indexed incremental movement of a stack. See, e.g., column 4, lines 11-27 of the Goliez patent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feed table (including 186) of Roetter et al. with belts for the purpose of providing indexed incremental movement of the stack, as taught by Goliez. Providing movable belts on the feed table of Roetter et al. will result in such belts being configured in an operable position for feeding sheets along a first arc downward and back under the feed table to the transport, since the Roetter et al. apparatus is already configured to feed sheets in this manner. See e.g., Fig. 1 of Roetter. Thus, all of the elements of claim 1 are met.

Response to Arguments

4. Applicant's arguments filed 03/28/2007 have been fully considered but they are not persuasive. Applicant argues that

None of the references cited by the Examiner discloses or teaches an upper edge guide having a concave arcuate surface and a finger in communication with the upper edge of sheets in the stack. Goliez (U.S. Pat. 4,928,944) cited by the Examiner discloses a supply roller (46) in contact with an edgewise-loaded paper stack. The supply roller (46) has a convex arcuate surface. Further, Goliez does not disclose an edge guide having a finger for separating a lead sheet. In view of the above, it is submitted that the amended claim 1 and dependent claims 2 and 3 are in condition for allowance and such action is, respectfully, requested.

In response, the Roetter et al. patent discloses an upper edge guide (198) having a concave arcuate surface (Fig. 1) in communication with an upper edge of at least on sheet in the stack of sheets. The upper edge guide (198) communicates with an upper edge of the sheet, e.g., as such sheet is conveyed past the upper edge guide (198). The upper edge guide (198) further includes a finger (tip portion of 198) configured to support a lead sheet in the stack of sheets.

Allowable Subject Matter

5. Claims 2-3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

04/11/2007



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